

Appl. No. 09/927,178
Amdt. Dated April 14, 2005
Reply to Office Action of January 19, 2005

Attorney Docket No. 81800.0163
Customer No.: 26021

REMARKS/ARGUMENTS

Minor changes are made to this specification. Claims 5 and 20 are amended. Claims 1-21 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Objections to the Specification

The Specification is objected to because of the following informality: The office contends that the phrase "In step 2" at para. 39, p.8, should be replaced with the phrase --In step S2--. In response, Applicant has amended the specification in the manner suggested by the Office. Withdrawal of the objection is respectfully requested.

Objections to the Claims

Claim 5 is objected to because of the following informality: the Office contends that the word "releases" should be replaced with --release--. In response, Applicant has amended the specification in the manner suggested by the Office. Withdrawal of the objection is respectfully requested.

Claim 20 is amended to correct a similar grammatical error in subject-verb agreement in that the word "receive" is replaced with --receives--.

Claim Rejections—35 U.S.C. § 112

Claim 5 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Specifically, the Office contends that the reference to the term "non-sound terminal" in claim 5 is indefinite because the term is not described in the specification. In response, Applicant has amended the claim

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to omit reference to a "non-sound terminal." Support for the amendment is found in Applicant's Specification at Fig. 5 and the accompanying text. Withdrawal of the rejection is respectfully requested.

Claim Rejections—35 U.S.C. § 102(b)

Claims 1-6, 8-12 and 15-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ouchi (U.S. Patent No.6,675,421). Claim 5 is amended. Applicant respectfully traverses the rejection as to the amended claims.

The present invention is directed to communication terminal such as a facsimile device with a copying function, and more specifically, to an communication terminal with an operation for the situation when a recording unit fails to operate due to lack or recording paper, lack of toner or a photoconductive drum in need of replacement. (Applicant's Specification, Para. 0002) Claim 1 of the present invention is as follows:

1. A communication terminal comprising:
 - a network control unit for closing and releasing a circuit;
 - a memory for registering a communication job;
 - a recording unit for recording image data on a recording medium; and
 - a control unit which closes the circuit by the network control unit to make acceptance of an incoming call impossible when the recording unit fails to operate, and which releases the circuit temporarily by the network control unit in the case of calling.

Present claim 1 requires that the control unit "closes the circuit by the network control unit to make acceptance of an incoming call impossible when the recording unit fails to operate." As explained in Applicant's specification at para.

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0023 and Fig. 9, a plurality of facsimile devices are connected to the PBX, such that when the facsimile 1 become incapable of recording, it closes the circuit connected to the PBX. Thereafter, since the circuit is closed, the PBX judges that the facsimile is in use, and the facsimile 1 is not called by from the PSTN. Instead the PBX calls another facsimile 2 (which is capable of recoding) instead of facsimile 1.

Ouchi is directed facsimile machine with a remote operation mode including a data box function by which a caller can retrieve data stored in a memory of the facsimile machine. (Ouchi, Background of the Invention). In Ouchi, the facsimile device closes the circuit, and includes a facsimile possible determination means after closing the circuit that determines which of a facsimile reception possible condition and a facsimile reception impossible condition exists. (Ouchi, Col. 2, lines 15-35). If the facsimile reception impossible condition exists (incl. remote operation off), reception of the call is not performed, the program waits (S5) for the caller to hang up, and the program returns to the beginning (S1) and waits for the next incoming call. (Ouchi, Col. 6, lines 55-59).

Based on the foregoing, applicant respectfully submits that Ouchi cannot anticipate claim 1 because Ouchi does not teach a "control unit which closes the circuit by the network control unit to make acceptance of an incoming call impossible when the recording unit fails to operate" as is required by claim 1. Specifically, in the present invention, the control unit closes the circuit to make acceptance of an incoming call impossible (by appearing to be in use) so that the PBX can call a communication terminal other than the communication terminal whose recording unit fails to operate. Conversely, in Ouchi, the communication terminal does not make acceptance of the incoming call impossible. Rather, Ouchi merely lets the incoming call ring, without answering, until the caller hangs up. As such, nothing in Ouchi teaches or suggests the construction of present claim 1. As

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such, withdrawal of the rejection and allowance of claim 1 for at least this reason is respectfully requested.

Claims 2-6 and 8-10 depend from claim 1 either directly or through intervening claims, and as such, are patentable for at least the same reasons as claim 1. Withdrawal of the rejection and allowance of claims 2-6 and 8-10 is respectfully requested.

Claim 11 is patentable for at least the same reasons as were identified for claim 1. Claim 11 requires "a control unit which closes a circuit by the network control unit so that an incoming call is not accepted when the recording unit fails to operate." As explained with respect to claim 1, Ouchi does not teach or suggest such a construction, and as such, does not anticipate claim 11. Withdrawal of the rejection and allowance of claim 11 is respectfully requested.

Claims 12 and 15-17 depend from claim 11, and as such, are patentable for at least the same reasons as claim 1. Withdrawal of the rejection and allowance of claims 12 and 15-17 is respectfully requested.

Claim Rejections—35 U.S.C. § 103

Claims 7, 13-14 and 19-21 stand rejected under 35 U.S.C. § 103 as being obvious over Ouchi (U.S. Patent No.6,675,421) in view of Hirata (U.S. Patent No. 4,920,427). Claim 5 is amended. Applicant respectfully traverses the rejection as to the amended claims.

Claim 7 depends from claim 1, and as such contains all the limitations of claim 1. Applicant has already identified that Ouchi does not teach a "control unit which closes the circuit by the network control unit to make acceptance of an incoming call impossible when the recording unit fails to operate" as is required by claim 1 (and claim 7 through dependency). Further, Hirata does not supply the

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missing teachings and is not relied upon by the office for doing so. As such, the combination suggested by the office does not render claim 7 obvious. Withdrawal of the rejection and allowance of claim 7 is respectfully requested..

Claims 13-14 and 19-21 depend from claim 11, and as such contain all the limitations of claim 11. Applicant has already identified that Ouchi does not teach "a control unit which closes a circuit by the network control unit so that an incoming call is not accepted when the recording unit fails to operate" as is required by claim 11 (and claims 13-14 and 19-21 through dependency). Further, Hirata does not supply the missing teachings and is not relied upon by the office for doing so. As such, the combination suggested by the office does not render claims 13-14 and 19-21 obvious. Withdrawal of the rejection and allowance of claims 13-14 and 19-21 is respectfully requested..

Claims 18 stands rejected under 35 U.S.C. § 10 as being obvious over Ouchi (U.S. Patent No.6,675,421) in view of Kawai et al. (U.S. Patent No. 5,778,279). Applicant respectfully traverses the rejection. Claim 18 depends from claim 11, and as such contains all the limitations of claim 11. Applicant has already identified that Ouchi does not teach a "a control unit which closes a circuit by the network control unit so that an incoming call is not accepted when the recording unit fails to operate" as is required by claim 11 (and claim 8 through dependency). Further, Kawai et al. does not supply the missing teachings and is not relied upon by the office for doing so. As such, the combination suggested by the office does not render claims 13-14 and 19-21 obvious. Withdrawal of the rejection and allowance of claims 13-14 and 19-21 is respectfully requested..

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

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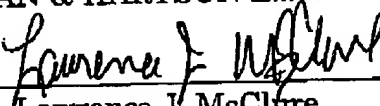
If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6700 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: April 14, 2005

By: _____


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